EQUITY—MISTAKE OF LAW AS A GROUND OF RELIEF.—A vendee paid part of the purchase price of land and greatly enhanced its value by improvements. Becoming poor and discouraged, he quitclaimed his interest in the land without any consideration except a lease of the premises, believing that he had forfeited his rights, and ignorant of the fact that he might make a tender and demand a conveyance of the land. Learning of his rights within a few days, he tendered the amount due and demanded a conveyance. *Held,* although this is a mistake of law, equity will grant relief. *Bronson* v. *Liebold* (Conn.), 87 Atl. 979.

The rule that equity will not relieve against a mistake of law, in conformity to the maxim, *ignorantia juris neminem excusat,* has often been laid down. *Weed* v. *Weed,* 94 N. Y. 243; *Clark* v. *Hart,* 57 Ala. 390; *Zollman* v. *Moore,* 21 Gratt. (Va.) 313; *Lyon* v. *Sanders,* 23 Miss. 530; *Hampton* v. *Nicholson,* 23 N. J. Eq. 423; 16 CYC. 73. But a strict application of the general rule is necessarily harsh, and the disposition of the modern courts is to allow many exceptions to it. BISPHAM, PRINCIPLES OF EQUITY, 187; STORY, EQUITY JURISPRUDENCE, 10 ed., 138. See note, 13 Fed. Rep. 256. Where the mistake of law was induced by the misrepresentation or undue influence of the other party, it is settled that equity will give relief. *Hardigree* v. *Mitchum,* 51 Ala. 151; *Whelen's Appeal,* 70 Pa. St. 410; *Hollingsworth* v. *Stone,* 90 Ind. 244. It is also held that where the mistake was a mistake of the scrivener, the instrument will be corrected in a court of equity, although the mistake of the scrivener was one of law. *Smith* v. *Owens,* 63 W. Va. 60, 50 S. E. 762. But where the instrument contains what the parties intended, it will not be reformed by a court of equity, although it fails to operate as they intended, because of their mistake of law. *Hunt* v. *Rousmanier,* 8 Wheat. (U. S.) 174; *Lanning* v. *Carpenter,* 48 N. Y. 408.

The courts have found it impossible to lay down any settled rule, but where the application of the maxim *ignorantia juris neminem excusat* would work great hardship, many of the courts have refused to follow it. *Wheeler* v. *Smith,* 9 How. (U. S.) 55.

EVIDENCE — HEARSAY — CONFESSIONS OF THIRD PERSONS. — Extrajudicial confession of a third person since deceased, charging himself with the commission of the murder for which the accused is being tried, *Held,* inadmissible as hearsay evidence. *Donelly* v. *United States,* 33 Sup. Ct. 449.

By the hearsay rule of evidence assertions offered testimonially which have not been subjected to the test of cross-examination are not admissible. But where a witness is unavailable, by reason of death or some other condition prohibiting his appearance in court, rather than lose such evidence, in certain well recognized instances hearsay evidence is admitted. Thus where a party since deceased has made declarations against his own interest, such admissions in some cases constitute an exception to the general rule and are admitted.

This exception has a peculiar history. It did not arise as a general principle, but from the practice in certain special cases of admitting such evidence. The first indication of such a rule is found in the practice